

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BUSH,

Plaintiff,

v.

THE WANG CENTER FOR THE
PERFORMING ARTS, INC.,

Defendant.

Civil Action No. 22-10473-NMG

REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION TO DISMISS

[Docket No. 16]

October 31, 2022

Boal, M.J.

In this action, pro se plaintiff Michael Bush alleges that defendant The Wang Center for the Performing Arts d/b/a Boch Center ("Boch Center") engaged in wrongful and discriminatory conduct by implementing policies requiring individuals over the age of 12 attending the Boch Center performances and events to wear face masks, show proof of vaccination, and/or provide negative COVID-19 tests. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Boch Center has moved to dismiss Bush's First Amended Complaint. Docket No. 16.¹ This Court heard oral argument on August 10, 2022. For the following reasons, I recommend that Judge Gorton grant the Boch Center's motion to dismiss.

¹ On June 1, 2022, Judge Gorton referred the motion to the undersigned. Docket No. 26.

after consideration of plaintiff's objections (Docket No. 54) thereto, Report and Recommendation is accepted and adopted.
SKM Gorton, USDJ 12/19/2022